



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/307,004	05/07/1999	RICHARD HUMPLEMAN	SAM1.0061	4283

7590 01/28/2004

SHERMAN & SHERMAN
2029 CENTURY PARK EAST
17TH FLOOR
LOS ANGELES, CA 90067

EXAMINER

CARDONE, JASON D

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/307,004

Applicant(s)

HUMPLEMAN ET AL.

Examiner

Jason D Cardone

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/7/99 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *See Attached Office Action*.

DETAILED ACTION

Response to Amendment

1. This action is responsive to the remarks of the applicant (Paper No. 10) filed on 9/29/03. Claims 1-33 are presented for further examination.

2. The specification needs to be amended with the updating of co-pending applications [Spec, page 2].

Double Patenting

3. A terminal disclaimer was supposedly filed with the amendment but no terminal disclaimer was entered into the case. Therefore, the Double Patenting Rejections still stand.

4. Claims 1, 3, 4, 8, 9, 11, 12, 16, 22-25 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 8 of U.S. Patent No. 6,198,479 (hereinafter '479) and claims 1-22 of U.S. Patent No. 6,288,716 (hereinafter '716). Although the conflicting claims are not identical, they are not patentably distinct from each other because '479 and '716 teach substantially the claimed limitations except for the storing on a database. '479 and '716 discloses a home network. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have a database to store data within a home network, in order to hold files, documents, and program code for future use.

5. Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,466,971 (hereinafter '971). Although the conflicting claims are not identical, they are not patentably distinct from each other because '971 teaches substantially the claimed limitations except for the storing on a database. '971 discloses a home network. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have a database to store data within a home network, in order to hold files, documents, and program code for future use.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertsch, USPN 5,570,085, in view of Venkatraman et al. ("Venkatraman"), USPN 5,956,487.

8. Regarding claim 30, Bertsch discloses in a network system for providing a service, a controller comprising an agent that:

queries a device to obtain interface description data when the device is connected to the network, such that the interface description data includes information

for commanding and controlling of the device by another device connected to the network [Bertsch, col. 4, lines 54-63, col. 5, lines 46-62 and col. 9, lines 16-62];

storing the obtained interface description data in a database [Bertsch, col. 4, lines 24-53].

Bertsch does not disclose application interface description data for the device. However, Venkatraman, in the same field of endeavor, does disclose application interface description data for the device [Venkatraman, col. 2, lines 13-50]. It would have been obvious to one having the ordinary skill in the art, at the time the invention was made, to incorporate application information, taught by Venkatraman, into the device controlling system, taught by Bertsch, in order to upgrade the system for Internet access to the devices.

9. Regarding claim 31, Bertsch-Venkatraman further discloses at least one application interface description data includes XML format [Bertsch, col. 2, lines 51-63] [Venkatraman, col. 7, lines 37-51].

10. Regarding claim 33, Bertsch-Venkatraman further discloses a first device accesses an application interface description for another device in the database and sends control and command data to that other device utilizing the application interface description [Bertsch, col. 5, lines 46-62 and col. 9, lines 16-62] [Venkatraman, col. 5, line 44 –col. 6, line 5].

Art Unit: 2142

11. Regarding claims 28, 29 and 32, claims 28, 29 and 32 have similar limitations as claims 30, 31 and 33. Therefore, they are rejected under Bertsch-Venkatraman for the same reasons set forth in the rejection of claims 30, 31 and 33 [Supra 30, 31 and 33].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (703) 305-8484. The examiner can normally be reached on Mon.-Thu. (9AM-6PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Jason D Cardone
Primary Examiner
Art Unit 2142

January 15, 2004